

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

FUAD UMAR,

Plaintiff

v.

LOUIS DEJOY,
POSTMASTER GENERAL,

Defendant.

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CIVIL ACTION NO.

COMPLAINT FOR
RACE AND NATIONAL ORIGIN DISCRIMINATION AND RETALIATION
JURY TRIAL DEMANDED
INJUNCTIVE RELIEF SOUGHT

Plaintiff Fuad Umar complains against Defendant United States Postal Service (“USPS”) as follows:

SUMMARY OF THE ACTION

1. Fuad Umar, a Black, Ghanaian-American man, was harassed at his work at the United States Postal Service (“USPS”) based on his race and national origin by supervisors and other employees.
2. The harassment included supervisors calling him “Fuck You” and “Africa” rather than his name, ridiculing him in front of other employees who were sometimes shocked by the comments, insisting that his name was not possible to pronounce, and making fun of his accent. Additionally, Mr. Umar was not trained on his first day at the Augusta Post Office and sent out “to the jungle” by a supervisor to deliver mail, contrary to typical practice, and unlike other employees.
3. Mr. Umar reported the harassment to supervisors, including Postmaster Laura Kelly and Acting Postmaster Tawnya Morgan, but they did not intervene. The harassment

continued unchecked and impacted Mr. Umar's health. Mr. Umar continued to ask supervisors and employees to stop the harassment, and he continued to report the harassment to supervisors.

4. Supervisor Ian Sollitt threatened Mr. Umar's job if he continued to report the harassment. After Mr. Umar reported harassment, Supervisor Langdon Richards physically prevented Mr. Umar from entering the workplace and sent him home from work.

5. After Mr. Umar filed an Equal Employment Opportunity (EEO) complaint, USPS transferred him from Augusta, stopped allowing him to pick up extra shifts to supplement his income, and investigated him for misconduct, which was quickly disproven.

6. The harassment was so injurious to Mr. Umar's mental and emotional health that he had to take time off of work. Later, his primary care provider referred him to a psychologist, and he began taking anxiety medication.

7. Mr. Umar was a hard worker and a desirable employee. Other locations wanted him to transfer to work there and called him to pick up shifts.

8. Mr. Umar brings this action to remedy unlawful discrimination based upon race and national origin in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964.

PARTIES

9. Mr. Umar is a citizen of the United States and lives in Kennebec County, Maine.

10. Louis DeJoy, who is sued in his official capacity only, is Postmaster General of the United States Postal Service ("USPS"). USPS is a government agency headquartered in Washington, D.C., and existing in the State of Maine. USPS's principal place of business in Maine is located at 125 Forest Avenue, Portland, ME 04101.

JURY TRIAL DEMAND

11. Plaintiff demands trial by jury on all issues triable by jury.

JURISDICTION AND VENUE

12. This action arises under 42 U.S.C. § 1981; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2000e-17 (Title VII). This Court has proper subject matter jurisdiction over Plaintiff's federal claims under 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights).

13. Venue is proper in the District of Maine under 28 U.S.C. § 1391(b)(1)(2) because (1) USPS does business in Maine and (2) a substantial part of the events or omissions giving rise to the claim occurred in Maine. Under Rule 3(b) of the Rules of this Court, this action is properly filed in Bangor because Kennebec County is "the county in which a substantial part of the events or omissions giving rise to the claim occurred."

14. On or around September 9, 2024, Mr. Umar received a "right to sue" letter from the EEOC.

STATEMENT OF FACTS

15. Plaintiff Fuad Umar is a Black man of Ghanaian descent. He was born in Ghana, grew up in New York, and he became an American Citizen.

16. Mr. Umar works for the United States Postal Service (USPS) as an Assistant Rural Carrier (ARC). Mr. Umar's main station is the South China, Maine, Post Office. When Mr. Umar was hired, Tawnya Morgan was acting South China Postmaster and Irene Wade was the Postmaster. Mr. Umar was then attached and stationed at the Augusta, Maine, Post Office.

17. Mr. Umar began working for USPS as an Assistant Rural Carrier (ARC) in its Augusta, Maine, location on or about October 8, 2023.

18. As an ARC, Mr. Umar is scheduled to work at his assigned location Sundays and holidays, and he flexibly picks up shifts during the week.

19. Ian Sollitt was Mr. Umar's immediate supervisor at the Augusta Post Office.

20. Beginning on Mr. Umar's first day at the Augusta Post Office, he was regularly subjected to unwelcome racist comments and comments denigrating his national origin by Supervisors Mr. Sollitt and Langdon Richards, including on October 8 and 15, 2023, and November 5, 8, 9, 12, and 19, 2023, following a brief medical leave related to the stress of the harassment.

21. At all times relevant to the complaint, management was aware of Mr. Umar's race and national origin.

Supervisor Ian Sollitt Harasses Fuad Umar on His First Day at the Augusta Post Office, Including by Calling Mr. Umar "Fuck You" Instead of His Name and Telling Mr. Umar that He is Lying About Being American.

22. On his very first day of work at the Augusta, Maine, Post Office, Mr. Umar was harassed by a supervisor.

23. On October 8, 2023, Mr. Umar reported for his first day at the Augusta Post Office. He entered the building and asked where to find Supervisor Ian Sollitt. Mr. Umar was told Mr. Sollitt was sitting at a desk in the open workspace and surrounded by employees, including Supervisor Langdon Richards and future-supervisor Gary Hansen. Mr. Umar approached Mr. Sollitt and greeted him, saying, "Good morning. My Name is Fuad Umar. I've been told to report to you for work and that you will be my supervisor. [Acting Postmaster] Tawnya [Morgan] texted and said to come here."

24. Before replying to Mr. Umar, Mr. Sollitt laughed and looked around at the other employees around his desk. Then Mr. Sollitt looked at Mr. Umar from head-to-toe while still laughing. Mr. Sollitt said hello to Mr. Umar and asked, "Where are you from?" Mr. Umar said, "What do you mean?" Mr. Sollitt said again, "Where are you from?" Mr. Umar answered that he was from "New York." Mr. Sollitt laughed at Mr. Umar's answer and looked around at other coworkers around his desk, who also laughed.

25. Mr. Sollitt said, “You’re lying.” He told Mr. Umar, “Your accent is not New York or American.” He continued laughing at Mr. Umar and said, “I’ve lived in New York. They don’t sound like you.” He asked, “What country do you come from? Where are you born? Don’t lie.” In front of the group of coworkers, Mr. Umar was surprised by the condescending tone and Mr. Sollitt’s questions. Mr. Umar made it clear he did not find the conversation humorous. He answered that he originally came from Ghana in Africa. Mr. Sollitt said, “That makes more sense now. Don’t tell people you’re from New York. I lived in New York before. I can tell you’re not from New York and you’re not American. You’re lying. You’re not from New York.” Mr. Umar replied, “I’m an American.”

26. Mr. Sollitt continued to laugh derisively and said, “Americans don’t speak like you. You have an accent. Not American.” He added, “It makes more sense you said you are from Africa. I knew you lied when you said you were from New York. The accent.” Mr. Umar explained in front of his new coworkers that New York is very diverse, and it has all kinds of people with different accents.

27. Mr. Sollitt asked Mr. Umar, “What did you say your name was again?” Mr. Umar answered that his name is Fuad Umar. Mr. Sollitt said, “What is it again? Your name?” Mr. Umar again answered, “My name is Fuad Umar.” Mr. Sollitt said, “Your name is different. I have never heard that kind of name before.” Still laughing, Mr. Sollitt exaggeratedly mispronounced Mr. Umar’s name number of times to ridicule that it was difficult to pronounce, including by saying “Fraud” and “Ford.” After doing so, Mr. Sollitt told Mr. Umar his name was “weird” and “not American” and he would not bother to pronounce it. He said, “I’ll just call you ‘Fuck You.’” He laughed derisively and said, “That’s what your name stands for. Fuck You.”

28. Some coworkers reacted with disbelief as Mr. Sollitt talked, including Langdon Richards and Gary Hansen.

29. Mr. Umar asked Mr. Sollitt to please stop and to call him by his name. Mr. Umar told Mr. Sollitt that his comments were “offensive and humiliating.” He told Mr. Sollitt he felt “uncomfortable” and disrespected. He said the comments had nothing to do with his job. He added, “I don’t like that name at all. Please stop it and call me by my name.”

30. Mr. Sollitt replied, “I can’t pronounce your name.” He said, “I’ll just call you ‘F.U.’” Mr. Umar felt degraded and continued to object. Three times, Mr. Sollitt said he would call Mr. Umar “F.U.,” despite Mr. Umar’s objections. It appeared designed to provoke Mr. Umar. Mr. Umar insisted he was there to work and asked Mr. Sollitt to discuss his work.

31. The surrounding co-workers smirked and appeared to find the conversation amusing, even though it was embarrassing and offensive to Mr. Umar based on his race and national origin. Mr. Umar did not see any coworker who observed the interaction, including supervisor Langdon Richards and future-supervisor Gary Hansen, say anything to stop the behavior.

32. Upon information and belief, Mr. Richards told Mr. Sollitt the comments were out of line.

33. The interaction caused Mr. Umar to sweat with discomfort.

34. Mr. Umar was shocked by the interaction. The comments were unwelcome and unprovoked.

35. Mr. Umar was the only black person among the group of coworkers. Mr. Umar was the only black employee and the only African employee at the Augusta Post Office. The other, white employees were called by their names. Other, white employees were not called offensive names or asked racist questions.

Supervisor Ian Sollitt Refuses to Train Mr. Umar on His First Day at the Augusta Post Office, Unlike Other Employees.

36. After calling Mr. Umar “Fuck You,” Mr. Sollitt attended to other job assignments and had Mr. Umar wait for his assignment until other employees had been assigned tasks. Mr. Sollitt then ordered Mr. Umar to drive a training delivery route without customary training.

37. Mr. Umar requested training. It was typical post office practice to train a new driver. At the USPS training academy, Mr. Umar had been advised a supervisor would ride along with him and that he would receive training on how to load the truck and how to use the computer system, including for routing.

38. Instead, Mr. Sollitt threw the GPS scanning equipment at Mr. Umar and told him to go deliver his route. Mr. Umar said he was told the supervisor was supposed to accompany him for the first day. Mr. Sollitt said, “No. I’m going to throw you in the jungle. You have to learn to do it yourself.” His tone was demeaning and degrading, and the word jungle had a racial undertone. He laughed loudly.

39. Other Augusta employees confirmed the supervisor accompanied them to train them on their first day, including Guy West and Lance Merritt.

40. Mr. Umar had heard racist remarks before, but he had never heard remarks like these from a supervisor at work. Coworkers were laughing and staring at him. He felt sick, and he did not feel comfortable being at work.

41. After the interaction with Mr. Sollitt and his new coworkers, Mr. Umar went to the delivery vehicle and called his wife, Crystal Umar. He told her what happened. Mrs. Umar was shocked and asked if Mr. Umar was ok. Mr. Umar said, “I’m not, but I’m going to try. I don’t want to lose the opportunity to work here.” He cried and gathered himself before resuming work.

42. Mr. Umar went out on his delivery route without training. Because Mr. Sollitt did not train Mr. Umar on the delivery equipment, which includes a GPS that directs the route, Mr.

Umar had difficulty following the route. Mr. Umar called for help but did not receive an answer from supervisors. Mr. Umar improvised by using his personal cell phone to type in package addresses and route to delivery locations. Mr. Umar's phone died during the route, and he had to stop multiple times to ask for directions. A person Mr. Umar spoke with during his route helped by giving him a phone charger. Again, Mr. Umar parked and called the post office for help. He was not able to contact a supervisor for help.

43. Mr. Umar was concerned that due to the lack of training, he would fail to deliver all the packages and lose his job. Mr. Umar was worried he was being set up to fail because as a new-hire he was on a ninety-day probation period. He wanted to keep the job because it allowed him to be close to his family and had a good schedule. Mr. Umar delivered the packages as quickly as he could, despite his lack of training.

44. As Mr. Umar was delivering packages, he drove by colleague Guy West. Mr. Umar stopped to talk with Mr. West and explained that he was lost because he was not trained on the equipment. Mr. Umar told Mr. West he was not feeling well. Due to the stress of his harassment and lack of training, Mr. Umar's head was spinning, and he felt unwell. Mr. West was surprised that a supervisor had not accompanied him for his first shift and that no one had taught Mr. Umar to use the GPS before sending him out to deliver packages, but Mr. West did not have time to stop his own work to train Mr. Umar. Mr. West said, "Ian is full of shit" and shook his head.

45. Mr. Umar continued delivering using his cell phone. Despite the situation, Mr. Umar delivered all but one package. Mr. Umar pulled over because he was not feeling well. Mr. Sollitt saw Mr. Umar was parked in one location and called to ask him why he was parked. Mr. Umar told Mr. Sollitt that he did not feel well and that he was stressed because he needed training on the route equipment. In their conversation, Mr. Sollitt was concerned about whether

the truck was ok, not about Mr. Umar's wellbeing. Mr. Sollitt ordered Mr. Umar to deliver the last package, regardless of whether Mr. Umar felt unwell. Mr. Umar complied.

46. When he went out to deliver the last package, Mr. Umar became so sick that he had to pull over multiple times to throw up, including near Belfast Avenue on the side of the road and on the side of the Memorial Bridge in Augusta to vomit over the side of the bridge.

47. Mr. Umar delivered the final package and returned to the Augusta Post Office. Mr. Sollitt was waiting at the door with an angry frown on his face when Mr. Umar arrived. Mr. Umar told Mr. Sollitt he was unwell and vomited. Mr. Sollitt did not ask if Mr. Umar was ok, but Mr. Sollitt refused to allow Mr. Umar back into the building because he was throwing up.

48. Mr. Umar called an ambulance because Mr. Sollitt was not helping him. Mr. Umar was transported to Maine General Hospital, where he was given an I.V. The treating physician was not aware of the harassment Mr. Umar experienced that day. The physician suggested that mail trucks can have carbon monoxide issues. The hospital's carbon monoxide testing machine was not operating and thus the providers could not test Mr. Umar for exposure. The treating physician suggested that USPS test his vehicle for carbon monoxide.

49. By text message, Mr. Umar informed Mr. Sollitt about the doctor's suggestion to test the vehicle for carbon monoxide. Mr. Sollitt replied that there was no issue. A mechanic ultimately tested the vehicle and confirmed there was no carbon monoxide issue.

Mr. Umar Objects to and Complains of Harassment to Supervisors. Despite Doing So, He Continues to be Harassed, and He is Out of Work Due to Impacts.

50. On October 11, 2023, Mr. Umar prepared a written complaint to Postmaster Laura Kelly regarding the discrimination. Mr. Umar wrote that before he became sick at work on October 8, 2023,

. . . [Mr. Sollitt] subjected me to very uncomfortable questioning about where I came from, made fun of my accent and also called me by fuck you, stating that is what my name stands for. Even though I rejected this actions he laughed. It was a very humiliating first day for me. Ian [Sollitt] provided me with zero help when I was sick and told me not to enter the building

Mr. Umar wrote that he tried calling both Mr. Sollitt and Ms. Kelly and wrote that he was requesting to sit down with Ms. Kelly regarding the matter. Mr. Umar wrote that he planned to “stop by to say hi and sit down with you/and or hand you a copy of this letter.”

51. On October 12, 2023, Postmaster Kelly called Mr. Umar to ask him whether he could take a shift the following day at Livermore Falls. Postmaster Kelly knew about the harassment that occurred but did not address it. On that call, Mr. Umar reported the harassment to Postmaster Kelly and reported that he became sick afterward. Mr. Umar said he wanted to discuss it. Postmaster Kelly confirmed that she heard about what had happened and changed the subject. Mr. Umar said he wanted to address it.

52. Mr. Umar worked in Livermore Falls for approximately two shifts, including on October 13, 2023. He still did not feel well, but he had not been able to access continuation of pay, he was forced to pick up shifts in Livermore Falls.

53. Soon after, Mr. Umar followed up with Postmaster Kelly and requested to meet in-person with about the harassment.

54. On or about October 14, 2023, after working in Livermore Falls, Mr. Umar met with Postmaster Kelly to discuss his complaint of harassment regarding Mr. Sollitt's conduct. Mr. Umar delivered the written complaint, dated October 11, 2023, to Ms. Kelly. Ms. Kelly did not discuss next steps or follow up about the complaint.

55. One week later, on October 15, 2023, Mr. Umar returned to work in Augusta for the first time after he went home sick. He was scheduled in Augusta each week on Sundays and holidays, with the ability to pick up shifts at other locations. His coworkers were staring at him as he walked in. Mr. Sollitt had gossiped about him and shared information about his health with the majority of his coworkers, telling employees he lied about getting sick at work. Multiple coworkers, including Guy West and Lance Merritt, confronted him and said they heard that he was lying about being sick and trying to game the workers' compensation system. The conversation was intended to embarrass Mr. Umar. For example, Guy West said Mr. Sollitt told him that Mr. Umar claimed the mail vehicle got him sick and that he thought Mr. Umar was lying. Other workers approached him saying the supervisor had told him the same thing. Because of the comments, Mr. Umar felt sick again and went to the bathroom to gather himself before returning to work.

56. Afterward, Mr. Umar told Mr. Sollitt he was uncomfortable and humiliated that he discussed his health status with other coworkers and told them that he had lied. He asked for the behavior to stop. Gary Hansen, Guy West, and Lance Merritt were present in the hallway.

57. On October 15, 2023, when Mr. Umar returned for his second Sunday shift in Augusta, Supervisor Langdon Richards called Mr. Umar "Fuck You" twice. Mr. Umar told Mr. Richards it was offensive and asked to be called by his name. Mr. Richards responded that since Mr. Umar felt offended, he would call him "Africa" because Umar was from there and Mr. Richards could not pronounce his name. Mr. Richards asked Mr. Umar, "Does Africa only have

Black people like you” and asked if they all spoke “like that,” making fun of his accent. Mr. Umar said that Africa was a diverse continent with many different kinds of people, languages, and races. Mr. Umar told him the conversation was weird, uncomfortable, and offensive and that he did not like being called “Fuck You” or “Africa” and asked to be called by his name.

58. On October 15, 2023, Mr. Umar followed up with Postmaster Kelly about their previous conversation. She said she was busy and could not talk. She did not follow up. She avoided Mr. Umar when she saw him, causing more humiliation in front of coworkers. Likewise, Mr. Umar complained multiple times to Acting Postmaster Morgan, the interim Postmaster in South China, about his experience. Acting Postmaster Morgan instructed him to talk to Postmaster Kelly.

59. On October 16, 2023, Mr. Umar followed up with Postmaster Kelly, including to report the incident regarding Mr. Sollitt. Ms. Kelly did not follow up about the report.

60. Going forward, Mr. Umar experienced regular, repeated harassment from supervisors during each shift.

61. Mr. Umar was not trained to use the mail delivery equipment. Augusta supervisors never formerly trained him. Mr. Umar continued using his own cell phone. He did not receive training until he worked in Waterville in 2024.

62. Each shift in Augusta, supervisor Ian Sollitt, supervisor Langdon Richards, and other employees called Mr. Umar racist names, including “Fuck You” and “Africa,” ridiculed and critiqued Mr. Umar’s accent, and said they could not understand him. Two other employees who were close with Mr. Sollitt called Mr. Umar “Fuck You,” emboldened by his behavior.

63. Whenever Mr. Umar worked with Mr. Sollitt, Mr. Sollitt called him “Fuck You.” Mr. Sollitt called Mr. Umar “Fuck You” around three to four times per day. Mr. Sollitt’s tone was aggressive toward Mr. Umar. Mr. Umar continued to tell Mr. Sollitt to stop and to please

call him by his name. Mr. Sollitt frequently called Mr. Umar “Fuck You” in front of other employees. Witnesses included supervisors Langdon Richards, Gary Hansen, and other employees.

64. Supervisors and other employees ridiculed and critiqued Mr. Umar’s accent and pretended they could not understand him. For example, when Mr. Umar spoke to Mr. Sollitt, he would laugh and imitate Mr. Umar’s pronunciation. Mr. Sollitt often claimed he could not understand Mr. Umar.

65. Supervisors were not responsive to Mr. Umar’s repeated requests to stop the behavior.

66. Because of continuing symptoms of nausea, anxiety, and dizziness, Mr. Umar was out of work for about a week from around October 20, 2023, through October 28, 2023. He was not able to work his Sunday shift on October 22, 2023. When he received calls asking him to pick up shifts at other post offices on other days during that period, he refused the shifts. Mr. Umar typically would have picked up additional shifts for income.

67. During that time, on October 23, 2023, Mr. Umar again complained to Acting Postmaster Morgan about harassment at work in Augusta, including being called offensive names. Mr. Umar called Postmaster Kelly. Ms. Kelly told Mr. Umar she did not have time to discuss his complaint because she had deliveries and did not set a time to follow up or follow up with Mr. Umar regarding his complaint.

68. When Mr. Umar returned to work, the harassing behavior resumed.

69. On October 29, 2023, Mr. Umar showed up at work at the Augusta Post Office, and acting supervisor Gary Hansen said there were no packages to be delivered on that day. Mr. Hanson sent Mr. Umar home.

70. During that conversation on October 29, 2023, Gary Hansen told Mr. Umar it was funny that “Ian [Sollitt] calls you ‘Fuck You’” and laughed. Mr. Umar told Mr. Hansen the name was disrespectful, discriminatory, and that it made him uncomfortable. Mr. Hansen walked away.

71. Mr. Umar requested continuation of pay for his missed shifts but was denied. Mr. Sollitt intimidated Mr. Umar regarding filing a claim.

72. Mr. Umar had lived in the United States since he was a teenager, and up until this point he had never been spoken to this way at work.

73. During the time that Mr. Umar worked in Augusta, he picked up shifts at other post office locations. Those post offices valued his work and supervisors expressed that they wanted him to work at or even transfer to their location.

Managers Continue Harassing Mr. Umar, Including by Calling Him “Fuck You” and “Africa” Rather than His Name, and Making Fun of His Accent, Despite Mr. Umar Asking them to Stop. After Mr. Umar Complains, Supervisor Ian Sollitt Threatens to Fire Mr. Umar, and Supervisor Langdon Richards Threatens Mr. Umar and Sends Him Home from Augusta.

74. The harassment continued and Mr. Umar complained, including on November 5, 8, 9, 12, and 19, 2023.

75. For example, On November 9, 2023, when Mr. Sollitt did not answer Mr. Umar’s call, Mr. Sollitt told Mr. Umar there was no point in answering his call because he would not understand a word Mr. Umar said.

76. That day, November 9, 2023, Mr. Sollitt again called Mr. Umar “Fuck You.” Mr. Umar again protested and asked Mr. Sollitt why he did not call other employees offensive names or speak to them in an offensive manner. Mr. Sollitt replied that the other employees had “American names,” unlike Mr. Umar. He called Mr. Umar “Fuck You” again and laughed. Mr. Sollitt told Mr. Umar to stop complaining about being called racist and offensive names and

discriminatory treatment. Mr. Sollitt threatened Mr. Umar that he would get him fired if he complained about the harassment based on his race and national origin. Mr. Sollitt said that if Mr. Umar continued complaining, Mr. Sollitt would make sure he would not work at the Augusta office anymore.

77. Langdon Richards called Mr. Umar “Fuck You” multiple times. For example, on November 12, 2023, Mr. Richards called Mr. Umar “Fuck You” and “Africa.” Mr. Umar objected to being called “Fuck You.” Then Mr. Richards called him “Africa.” Mr. Umar asked Mr. Richards to stop because it was offensive and humiliating. Mr. Richards acted like it did not matter and ignored Mr. Umar’s requests.

78. The hostile work environment took a toll on Mr. Umar’s health. He experienced anxiety and depression. No supervisors assisted him to address the work environment.

79. Soon after this conversation, on or about November 12, 2023, when Mr. Umar arrived to work, Supervisor Langdon Richards threatened Mr. Umar, prevented him from entering the worksite, and sent him home.

80. Mr. Richards aggressively stepped in front of Mr. Umar as he entered work and told him that he could not enter the workplace or work that day and that he had to go home. Mr. Umar was shocked and asked why he could not work. Mr. Richards told Mr. Umar that he had to resolve his problems with Mr. Sollitt and Postmaster Kelly. Mr. Umar said he has no problem with them apart from the discrimination complaint he had filed with Ms. Kelly. Mr. Umar’s coworkers watched the encounter, stared at him, and some laughed. Some colleagues were entering the building, and some were already inside. All colleagues present witnessed including Postmaster Kelly, Lance Merritt, and Guy Hansen.

81. Mr. Umar is not aware of any other employee who was prevented from entering the work site.

82. Mr. Umar was humiliated and shocked. He followed Mr. Richards's order and went back to his car. He broke down and cried and called his wife. Mr. Umar followed the order and left.

83. Mr. Umar immediately informed Acting Postmaster Morgan that Mr. Richards sent him home. Mr. Umar told her he was being singled out, unlike other employees. Ms. Morgan expressed surprise. She said, "What? Who told you that? Let me make a call."

84. When Mr. Umar got home, he called Mr. Richards and told him that he was humiliated by the interaction. Mr. Richards said that he was following orders from Postmaster Kelly and Mr. Sollitt. Mr. Richards sounded worried he had made an error by sending Mr. Umar home. He said it was Mr. Sollitt's fault, not his, because Mr. Sollitt had told him that Mr. Umar was not needed. Mr. Richards asked Mr. Umar to come back to work.

85. Mr. Umar complied and returned to work.

86. On November 12, 2023, when Mr. Umar returned to work after being sent home, Mr. Richards said, "Hey Africa!" instead of Mr. Umar's name. Postmaster Kelly overheard Mr. Richards call Mr. Umar "Africa." She asked, "Who is that?" An employee responded that it was Mr. Umar. She did nothing to address or correct the behavior, despite Mr. Umar's complaints.

87. Mr. Umar approached Postmaster Kelly to discuss the situation. Ms. Kelly refused to discuss it with him. She told Mr. Umar that she was leaving Mr. Sollitt and Mr. Umar to resolve the matter between themselves.

88. Because Mr. Richards had sent Mr. Umar home, the work assignments had already been distributed to other employees. The supervisor assigned Mr. Umar small tasks. He made about three deliveries. After the encounter that morning, Mr. Umar was humiliated to see coworkers when he finished his deliveries.

89. On or around November 12, 2023, Mr. Umar followed up with Postmaster Kelly requesting to speak to her about the workplace harassment. Ms. Kelly did not answer Mr. Umar's call or respond to his text message.

90. On November 12, 2023, Mr. Umar called Acting Postmaster Morgan and explained that the situation was out of hand. He told her that he did not want to go back to Augusta and that he wanted to transfer to another location because of the environment created by Mr. Sollitt, Mr. Richards, and Postmaster Kelly.

91. On or around November 15, Mr. Umar again wrote a letter to Postmaster Kelly complaining of harassment. He said,

I'm writing to complain about Ian and Langdon especially calling me offensive names and the work situation for me is not positive. I would like to speak with you about the whole situation please. It's started since day one and it makes me uncomfortable. Just like I had complained before, I'm not happy about the situation at all. Please I would like to speak with you about the situation. I have tried calling you many times, I have left you messages but you don't reply."

Mr. Umar left his own phone number and asked Ms. Kelly to call him.

92. On November 17, 2023, Mr. Umar again contacted Postmaster Kelly by text message to request a conversation about the work situation in Augusta.

93. On November 22, 2023, Mr. Umar filed an Equal Employment Opportunity (EEO) complaint regarding the harassment.

USPS Retaliates Against Mr. Umar After He Files an EEO Complaint of Discrimination.

94. After he filed the EEO complaint, USPS did not allow Mr. Umar to return to work in Augusta.

95. Mr. Umar began picking up shifts at other post office locations. He worked in Jefferson and Readfield. The Postmasters from Readfield and Jefferson said he was a fantastic worker, and they appreciated his help.

96. Next, Ms. Morgan's superior, Postmaster Irene Wade, assigned Mr. Umar to Winthrop. Around the time Mr. Umar was assigned to Winthrop, supervisors also stopped calling Mr. Umar to pick up shifts.

97. On Mr. Umar's first day working in Winthrop, there was no supervisor at the post office to assign work. Mr. Umar located a mail cart and delivered it. He documented his work, including by taking photos, and left for the day. After that shift, Postmaster Wade placed Mr. Umar under investigation for not fulfilling job responsibilities. Mr. Umar shared his records of the work he completed that day, and USPS dropped the investigation. The complaint appeared to be pretextual following his EEO complaint.

98. USPS then assigned Mr. Umar to work in Waterville on or around May 16, 2024. Again, Mr. Umar received good feedback regarding his work from all the people he worked with. He enjoyed working there, and it was a ten-minute commute from his house. Mr. Umar worked there for three weeks, beginning on May 19, 2024. For the first time since he began working in Augusta, Mr. Umar received proper training from supervisors.

99. After three weeks in Waterville, Postmaster Wade asked Mr. Umar to cover shifts in South China, pulling him away from working in Waterville. Mr. Umar hurt his ankle while working in South China in June of 2024, requiring him to be temporarily placed on light duty. After his injury, Postmaster Wade told Mr. Umar that Waterville did not need him to work anymore. However, a Waterville supervisor named Charles called Mr. Umar and expressed that they wanted him to work. Mr. Umar feared that Postmaster Wade was looking for a way to fire him after the harassment report and after he hurt his ankle.

100. Next, Mr. Umar was assigned to Gardner.

101. Upon information and belief, Mr. Sollitt was terminated by USPS around June of 2024, after Mr. Umar filed a formal charge of discrimination with the EEOC.

102. Mr. Umar currently works in Gardner for about eight hours per week. He has lost his ability to pick up additional shifts at other locations to supplement his income. He can only pick up shifts in Gardner. He cannot pick up shifts in Augusta, where most Gardiner employees pick up shifts.

103. Following the harassment, Mr. Umar sought care from a psychologist, and he began taking anxiety medication.

COUNT I: SECTION 1981 DISCRIMINATION

104. The facts above are realleged.

105. Mr. Umar was subjected to unwelcome harassment based on his race, ancestry, and national origin.

106. USPS intentionally discriminated against Mr. Umar, including by subjecting him to a hostile work environment, because of his race, ancestry, and national origin, in violation of 42 U.S.C. § 1981.

107. Supervisors and other employees repeatedly made derogatory remarks to Mr. Umar, a Black, Ghanaian-American man. They called Mr. Umar “Fuck You” and “Africa” rather than his name, ridiculed him and made fun of his accent, told him he was impossible to understand, insisted his name was impossible to pronounce, asked him where he was from, told him he was lying about being American, and told him to stop claiming he was American, all despite Mr. Umar asking them to stop and telling them it was offensive. Other, white employees were not called offensive names or asked racist questions.

108. Supervisors deviated from established policies and practices when they refused to train Mr. Umar at his first day of work at Augusta, unlike other white employees. Supervisor Sollitt demonstrated discriminatory animus when he ridiculed Mr. Umar, called him “Fuck You,” told him he was not American, and sent Mr. Umar out “to the jungle” without training.

109. Supervisors perpetrating the discriminatory behavior failed to stop, even when Mr. Umar asked them to stop and complained of discrimination. Other supervisors took no remedial action despite being aware of the discrimination and despite repeated contact, complaints, and requests for intervention from Mr. Umar.

110. The harassment was so injurious to Mr. Umar’s mental and emotional health that he had to take time off of work in October of 2023. Later, his primary care provider referred him to a psychologist, and he began taking anxiety medication.

111. USPS acted with malice or with reckless indifference to Mr. Umar’s rights under 42 U.S.C. § 1981.

112. As a direct and proximate result of USPS’s intentional discrimination, Mr. Umar has suffered and will continue to suffer damages, including, but not limited to, back pay, loss of self-confidence, humiliation and embarrassment, emotional pain and distress, suffering, inconvenience, mental anguish, physical sickness, loss of enjoyment of his job and life, injury to reputation, injury to dignity and personal wellbeing, and other pecuniary and non-pecuniary losses.

113. USPS acted with malice and reckless indifference to Mr. Umar’s rights under 42 U.S.C. § 1981 through its discriminatory conduct toward Mr. Umar.

COUNT II: TITLE VII DISCRIMINATION

114. The paragraphs above are realleged.

115. Mr. Umar was subjected to unwelcome harassment based on his race and national origin in violation of Title VII.

116. USPS acted with malice or with reckless indifference to Mr. Umar's rights under Title VII.

117. USPS acted with malice and reckless indifference to Mr. Umar's rights under Title VII through its discriminatory conduct toward Mr. Umar.

COUNT III: SECTION 1981 RETALIATION

118. The paragraphs above are realleged.

119. USPS retaliated against Mr. Umar for his complaints of discrimination on the basis of race and national origin in violation of 42 U.S.C. § 1981.

120. Supervisors and other employees repeatedly made derogatory remarks to Mr. Umar, a Black, Ghanaian-American man. They called Mr. Umar "Fuck You" and "Africa" while making fun of his accent, telling him he was impossible to understand, saying his name was unpronounceable, asking him where he was from, telling him he was lying about being American, and telling him to stop claiming he was American, despite Mr. Umar asking them to stop and telling them it was offensive. Other, white employees were not called offensive names or asked racist questions.

121. After Mr. Umar objected to unwelcome racist comments by Supervisor Sollitt, USPS deviated from established policies and practices when Mr. Sollitt and other supervisors refused to train Mr. Umar at his first day of work at Augusta, unlike other white employees. Supervisor Sollitt demonstrated discriminatory animus when he ridiculed Mr. Umar, called him "Fuck You," and sent Mr. Umar out to the "jungle" without training.

122. After Mr. Umar objected to and reported harassment and other discrimination, including by supervisor Ian Sollitt, Mr. Sollitt threatened to fire Mr. Umar if he complained any

more. Supervisor Langdon Richards then threatened Mr. Umar by preventing him from entering the workplace, sending him home, and telling him to resolve his issue with Mr. Sollitt.

123. Soon after Mr. Umar filed an EEO complaint, USPS transferred him from Augusta, stopped allowing him to pick up shifts to supplement his income, and investigated him for misconduct, which was quickly disproven.

124. USPS acted with malice or with reckless indifference to Mr. Umar's rights under 42 U.S.C. § 1981.

125. As a direct and proximate result of USPS's retaliation, Mr. Umar has suffered and will continue to suffer damages, including, but not limited to, back pay, loss of self-confidence, humiliation and embarrassment, emotional pain and distress, suffering, inconvenience, mental anguish, physical sickness, loss of enjoyment of his job and life, injury to reputation, injury to dignity and personal wellbeing, and other pecuniary and non-pecuniary losses.

126. USPS acted with malice and reckless indifference to Mr. Umar's rights under 42 U.S.C. § 1981 through its retaliatory conduct toward Mr. Umar.

COUNT IV: TITLE VII RETALIATION

127. The paragraphs above are realleged.

128. USPS retaliated against Mr. Umar for his complaints of discrimination on the basis of race and national origin in violation of Title VII.

129. USPS acted with malice or reckless indifference to Mr. Umar's rights under Title VII through its retaliatory conduct toward Mr. Umar.

PRAYER FOR RELIEF

Mr. Umar respectfully requests that this Court enter a judgement against USPS containing the following relief:

A. Enter Judgment in Plaintiff's favor on all counts;

- B. Declare Defendants' conduct to be in violation of Plaintiff's rights under 42 U.S.C. § 1981 and Title VII;
- C. Order Defendants to employ Plaintiff to the full extent by allowing him to pick up shifts at other post office locations or alternatively award front pay and benefits;
- D. Award lost future earnings to compensate Plaintiff for the diminution in expected earnings caused by Defendants' discrimination;
- E. Award equitable relief for back pay, benefits, and prejudgment interest;
- F. Award Plaintiff compensatory and punitive damages;
- G. Award nominal damages;
- H. Award attorney's fees, including legal expenses, and costs;
- I. Award post judgment interest on all counts
- J. Require that Defendants post a notice at all of their work sites of the verdict and a copy of the Court's order for injunctive relief;
- K. Require that Defendants train all management level employees about the illegality of discrimination based on race and national origin;
- L. Require that Defendants place a document in Plaintiff's personnel file which explains that they unlawfully discriminated against Plaintiff because of race and national origin; and
- M. Grant to Plaintiff such other and further relief as may be just and proper.

Dated at Portland, Maine, this 5th day of December, 2024

Respectfully submitted,

/s/ Jeffrey Neil Young, Maine Bar No. 3874
/s/ Margaret M. O'Neil, Maine Bar No. 10705

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